

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

NEWAGE, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10819 (LSS)

(Jointly Administered)

**NOTICE OF (I) CONFIRMATION AND EFFECTIVE DATE OF DEBTORS' THIRD  
AMENDED PROPOSED COMBINED DISCLOSURE STATEMENT AND JOINT  
CHAPTER 11 PLAN OF LIQUIDATION AND (II) DEADLINE UNDER THE PLAN  
AND CONFIRMATION ORDER TO FILE PROFESSIONAL FEE CLAIMS,  
ADMINISTRATIVE CLAIMS AND REJECTION CLAIMS**

**PLEASE TAKE NOTICE OF THE FOLLOWING:**

1. **Entry of Confirmation Order.** On March 1, 2023, the United States Bankruptcy Court for the District of Delaware (the “**Bankruptcy Court**”) entered the *Findings of Fact, Conclusions of Law, and Order Confirming and Modifying Debtors’ Third Amended Proposed Combined Disclosure Statement and Joint Chapter 11 Plan of Liquidation* [Docket No. 527] (the “**Confirmation Order**”) confirming the *Debtors’ Third Amended Proposed Combined Disclosure Statement and Joint Chapter 11 Plan of Liquidation*, attached as Exhibit A to the Confirmation Order (together with all exhibits thereto, and as may be amended, modified or supplemented, the “**Plan**”)<sup>2</sup> in the chapter 11 case of the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”).

2. **Effective Date of the Plan.** The Effective Date of the Plan was May 4, 2023.

3. **Deadline to File Professional Fee Claims.** As provided for in the Plan, the Confirmation Order, and the *Order Establishing Procedures for Monthly, Interim, and Final Compensation and Reimbursement of Expenses of Professionals Retained in the Chapter 11 Cases* [Docket No. 153] (the “**Interim Compensation Order**”), *all final requests for payment of Professional Fee Claims pursuant to sections 327, 328, 330, 331, 503(b), or 1103 of the Bankruptcy Code must be made by application Filed with the Bankruptcy Court and served in accordance with the Interim Compensation Order no later than June 19, 2023 (i.e., forty-five (45) calendar days after the Effective Date), unless otherwise ordered by the Bankruptcy Court. Objections to such applications must be Filed and served on counsel to the Liquidating Trustee and counsel to the U.S. Trustee and the requesting Professional on or before the date that is twenty-one (21) days after the date on which the applicable application was served (or*

---

<sup>1</sup> The last four digits of each of the Debtors’ federal tax identification number are NewAge, Inc. (2263), Ariix LLC (9011), and Morinda, Inc. (9188). The Debtors’ address is 7158 S. FLSmidth Dr., Suite 250, Midvale, Utah 84047.

<sup>2</sup> Unless otherwise defined in this notice, capitalized terms used in this notice shall have the meanings ascribed to them in the Plan.

such longer period as may be allowed by Order of the Bankruptcy Court or by agreement with the requesting Professional).

4. **Administrative Expense Claim Bar Date.** As provided for in the Plan and the Confirmation Order, *all requests for payment of an Administrative Expense Claim arising on or after November 9, 2022 other than (i) an Accrued Professional Compensation Claim, (ii) an Administrative Expense Claim that has been Allowed or paid on or before the Effective Date, (iii) an Administrative Expense Claim arising under section 503(b)(1)(D) of the Bankruptcy Code, and (iv) fees arising under 28 U.S.C. § 1930 and any applicable interest thereon, must be Filed with the Bankruptcy Court and served on counsel to the Liquidation Trustee and the Office of the United States Trustee so as to be received no later than June 5, 2023 (i.e., thirty (30) days after the Effective Date).*

5. **Deadline to File Rejection Damages Claims.** As provided for in the Plan and Confirmation Order, **all executory contracts and unexpired leases to which the Debtors are a party, and were not sold or transferred as part of the Asset Purchase Agreement, are deemed rejected pursuant to the Confirmation Order, as of the Effective Date, except for any executory contract or unexpired lease that (i) previously has been assumed pursuant to a Final Order of the Bankruptcy Court, (ii) is specifically designated as an executory contract or unexpired lease to be assumed in the Plan or in the Plan Supplement, or (iii) is the subject of a separate assumption motion filed by the Debtors under section 365 of the Bankruptcy Code prior to the Effective Date. In the event that the rejection of an executory contract or unexpired lease by the Debtors pursuant to the Plan results in a Rejection Damages Claim in favor of a counterparty to such executory contract or unexpired lease, such Rejection Damages Claim, if not evidenced by a timely and properly filed Proof of Claim, shall not be entitled to a Distribution, unless a Proof of Claim is filed with (a) the Clerk of the Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd Floor, Wilmington, Delaware, 19801, or (b) Stretto, Inc. via regular mail, messenger, or overnight delivery to NewAge, Inc. Claims Processing c/o Stretto, 410 Exchange, Suite 100, Irvine, CA 92602 or the interface available on its website at: <https://cases.stretto.com/NewAge/file-a-claim/>, and served upon the Liquidation Trustee on or before June 5, 2023 (e.g., the date that is thirty (30) days after the Effective Date) or such later rejection date that occurs as a result of a dispute concerning amounts necessary to cure any defaults.**

6. **Inquiries by Interested Parties.** Copies of the Confirmation Order (to which the Plan is attached as Exhibit A) may be examined free of charge at <https://cases.stretto.com/NewAge/>. The Confirmation Order is also on file with the Bankruptcy Court and may be viewed by accessing the Bankruptcy Court's website at [www.deb.uscourts.gov](http://www.deb.uscourts.gov). To access documents on the Bankruptcy Court's website, you will need a PACER password and login, which can be obtained at [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov).

Dated: May 4, 2023

GREENBERG TRAURIG, LLP

/s/ Dennis A. Meloro

Anthony W. Clark (DE Bar No. 2051)  
Dennis A. Meloro (DE Bar No. 4435)  
1007 North Orange Street, Suite 1200  
Wilmington, Delaware 19801  
Telephone: (302) 661-7000  
Facsimile: (302) 661-7360  
Email: Anthony.Clark@gtlaw.com  
Dennis.Meloro@gtlaw.com

GREENBERG TRAURIG, LLP

Annette Jarvis (admitted *pro hac vice*)  
Michael F. Thomson (admitted *pro hac vice*)  
Carson Heninger (admitted *pro hac vice*)  
222 S. Main Street, Suite 1730  
Salt Lake City, Utah 84101  
Telephone: (801) 478-6900  
Facsimile: (801) 303-7397  
Email: JarvisA@gtlaw.com  
ThomsonM@gtlaw.com  
Carson.Heninger@gtlaw.com

-and-

Alison Elko Franklin (admitted *pro hac vice*)  
3333 Piedmont Road, NE, Suite 2500  
Atlanta, Georgia 30305  
Telephone: (678) 553-2100  
Facsimile: (678) 553-2212  
Email: Alison.Franklin@gtlaw.com

*Counsel for the Debtor and Debtor-in-Possession*